



United States
Department of
Agriculture

Forest
Service

Beaverhead-Deerlodge National Forest
Pintler Ranger District

88 Business Loop
Philipsburg, MT 59858
406-859-3211

File Code: 2730; 7700
Date: November 19, 2021

Russell and Charlene Piar
215 Moose Spring Trail
Philipsburg, MT 59858

Dear Mr. & Mrs. Piar:

On October 20, 2021, you submitted a proposal for year-round residential access, including permission to snow-plow on Forest Road UR8-447 crossing National Forest System (NFS) lands administered by the Beaverhead-Deerlodge National Forest. Your request was for access to your private land located in Section 6, T.7N., R.14W.

As you are aware, motorized restrictions have long since been in place on Road UR8-447 from October 15 through December 2 each year during hunting season. Over the last year, we have had multiple conversations about access and alternatives for access that would meet your needs and also that of the Forest Service. Federal regulations and policy require the Forest Service to ensure that proponents of road access across NFS lands **first exhaust all other reasonable options** before authorizing use of NFS land (FSM 2703.2, sec. 2b & 3; R1 Suppl. FSM 2730.3(4)). Specifically, Title 36 Code of Federal Regulations § 251.110(g) states: "Where there is existing access or a right of access to a property over non-National Forest land or over public roads that is adequate or can be made adequate, there is **no obligation to grant additional access** through National Forest System lands."

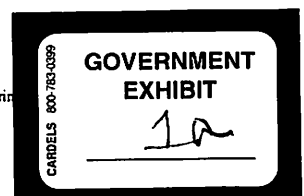
The Forest Service requested you provide information to document that you do not have access through your neighboring Black Pine Meadows Subdivision or the various lots on Certificate of Survey (COS) 708. You stated on multiple occasions that there was no access through the subdivisions but never produced any documentation that clearly demonstrated the lack of access. The Forest Service completed research on road easements on the Black Pine Meadows Subdivision and COS 708 parcels. Based on documents found in the Granite County Clerk and Records office, it appears that you could access your ownership by utilizing Wapiti Road and Moose Springs Trail. The attached plats and easements clearly state that the **existing roads on private lands are open and are the primary access routes for the property you purchased**. These roads were recently driven to your property line and determined to be adequate for access to your land and in better condition than Forest Road UR8-447. It is 4.8 miles from Highway 348 to your property line and most of the road is a high standard subdivision road maintained and plowed by the subdivision.

Therefore, I am returning your proposal to utilize Forest Road UR8-447 as a means of accessing your property year-round. You may utilize Forest Road UR8-447 from December 3rd through October 14th of each year just like any member of the public, but I am rejecting your request to plow snow (36 CFR 251.54). You plowed snow last winter with no prior authorization from the Forest Service or Granite County which caused resource damage to NFS lands because of the issues you had. Forest Road UR8-447 is in a place that drifts heavily with deep snow and high



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Russell and Charlene Piar

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winds and is not conducive for snow removal. Please exercise your existing rights given in the attached easements and access your property via Wapiti and Moose Spring Trail.

If you have questions or need additional information, please contact me at (406) 859-3211.

Sincerely,

**CAMERON
RASOR**

Digitally signed by CAMERON
RASOR
Date: 2021.11.19 14:21:15
-07'00'

CAMERON L RASOR
District Ranger

Enclosed: Roll 45 Page 873, COS 708, Roll 54 Page 0275, Roll 54 Page 0277

Cc: Cheri Ford, Forest Supervisor
Brandon Smith, RO-Land Uses
John Janik, Law Enforcement Officer
Anthony Fedele, Patrol Captain
Blaine Bradshaw, Granite County Attorney